

### **REMARKS/ARGUMENTS**

Prior to entry of this Amendment, the application included claims 1-29. Claims 1-7, 9-22 and 24-26 have been amended. Claims 8, 23 and 27-29 have been canceled. Claims 30-42 have been added. Hence, after entry of this Amendment, claims 1-7, 9-22, 24-26 and 30-42 stand pending for examination.

#### **Rejections Under 35 U.S.C. § 103(a)**

Claims 1-29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,047,083 to Mizuno ("Mizuno"). Applicants believe that a *prima facie* showing of obviousness has not been properly set forth as Mizuno does not teach or suggest each and every element of the claims.

Claims 1-22 and 30-42 classify detected regions into groups of defect candidates. Each group includes defect candidates "which are disposed at corresponding identical locations or adjacent locations on the different chips when overlapped with each other." Thus, the groupings are based on the locations of defects on different chips when they are compared with each other. Mizuno also teaches classifying defects. However, Mizuno classifies defects based on short circuit, line breakage, protrusion, cavity, pinhole, and isolation. Moreover, some of these may be sub-classified by size with the pattern width or the space used as the unit. One of the classifications used by Mizuno are based on locations on different chips when overlapped.

With regard to claim 24-26, the claim includes "setting a threshold value for defect extraction in accordance with feature amounts for the defect candidates for each of the groups." This recitation is not taught or suggested by Mizuno. Indeed, Mizuno is silent on thresholds altogether. There is nothing in Mizuno that would lead one to setting a threshold value for defect extraction.

Thus, for at least these reasons, the Office Action has failed to establish a *prima facie* case of non-obviousness under 35 U.S.C. § 103.

## **Conclusion**

In view of the foregoing, the Applicants believe all claims now pending in this application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

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/Jason A. Sanders/  
Jason A. Sanders  
Reg. No. 59,984

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, CA 94111-3834  
Tel: 303-571-4000  
Fax: 415-576-0300  
JAS/jln  
61075003 v1